

REMARKS

In the Office Action, the Examiner finally rejected claims 1-59. By the present response, the Applicants canceled claims 34-35 and amended claims 1, 5, 6, 14, 20-23, 26, 27, 29-32, 36-38, 43, 45-47, 49, 51, 52, and 57 to clarify certain features and expedite allowance of the present application. No new matter has been added. In view of the foregoing amendments and the following remarks, the Applicants respectfully request reconsideration and allowance of all pending claims 1-33 and 36-59.

Objections to the Drawings Under 37 C.F.R. § 1.83(a)

The Examiner objected to the drawings for failing to show every feature of the invention specified in the claims. Specifically, the Examiner argued that the drawings do not show the horizontal mount structure recited in claim 12, the angular lock assembly recited in claim 13, and “the body with at least two different sized footprints” recited in claim 34. As discussed below, the Applicants believe these claim recitations are fully disclosed by the present application.

Regarding the claimed horizontal mount structure, the Applicants respectfully direct the Examiner to Figure 6 and the corresponding description on Page 17, Paragraph 1 and Page 19, Paragraph 2 of the present application. For example, the present application discloses:

In these various configurations, the computing device 10 may benefit from an additional *support member or mount assembly*. For example, as illustrated in Figures 6 and 7, the computing device 10 has a *foot* 210 adjustably coupled to the base 86 of the computing device 10.

Application, Page 17, lines 1-4 (emphasis added).

Regarding the claimed angular lock assembly, the Applicants respectfully direct the Examiner to Figures 4-6 and the corresponding description on Page 13, Paragraph 2 of the present application. As disclosed, the present application describes locking and releasing hinges via latch releases. For example, a hinge 192 may be released from an angularly locked position by engaging a latch release 195. *See* Application, Page 13, lines 15-20.

Regarding the claimed “footprints,” Applicants first note that claim 34 was canceled by the present Amendment and, therefore, the objection pertaining to claim 34 is moot. However, as presently amended, each of the independent claims 1, 20, 32, 43, and 51 recite “footprints.” Accordingly, the Applicants respectfully direct the Examiner to Figures 1-4 and Figures 5-10 for different sized footprints, which are also described on Page 14, lines 10-12. Referring to Figure 5, the detailed description discloses:

Also, in this operational configuration 198, the computing device 10 has a *relatively smaller footprint comprising a base surface 200* of the base section 196.

Application, Page 14, lines 10-12 (emphasis added).

The Applicants believe these illustrations and descriptions fully support the claim language used in the foregoing claims. Accordingly, the Applicants request the Examiner to withdraw the objections to the drawings under 37 C.F.R. § 1.83(a).

Claim Rejections – 35 U.S.C. § 112, First Paragraph

The Examiner rejected claim 34 under U.S.C. § 112, First Paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. The Applicants respectfully traverse this rejection.

The initial burden of proof regarding the sufficiency of the written description falls on the Examiner. Accordingly, the Examiner must present evidence or reasons why persons skilled in the art would not recognize a description of the claimed subject matter in the applicant’s disclosure. *In re Wertheim*, 541 F.2d 257, 262, 191 U.S.P.Q. 90, 96 (CCPA 1976). The Examiner is also reminded that the written description requirement does not require the claims to recite the same terminology used in the disclosure. The patentee may be his own lexicographer. *Ellipse Corp. v. Ford Motor Co.*, 171 U.S.P.Q. 513 (7th Cir. 1971), *aff’d*. 613 F.2d 775 (7th Cir. 1979), *cert. denied*, 446 U.S. 939 (1980). Moreover, any information contained in any part of the application as filed, including the specification, claims and drawings, may be added to other portions of the application without introducing new matter. Accordingly, if an application as

originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter. *In re Benno*, 768 F.2d 1340, 226 U.S.P.Q. 683 (Fed. Cir. 1985).

In the Office Action, the Examiner specifically rejected claim 34 by arguing that the claim recitation of “the body with at least two different sized footprints” is not supported by the specification. Here again, Applicants note that claim 34 was canceled by the present Amendment and, therefore, the rejection of claim 34 is moot. However, as presently amended, each of the independent claims 1, 20, 32, 43, and 51 recite “footprints.” Regarding the recitation of “footprints” in the foregoing claims, the Applicants respectfully stress that the written description clearly supports the presently recited claims. First, the background introduces the concept of different sized footprints with reference to desktop and laptop computers. *See Application, Page 2, line 17 – page 3, line 3.* Second, with reference to Figure 5, the detailed description discloses:

Also, in this operational configuration 198, the computing device 10 has a *relatively smaller footprint comprising a base surface 200* of the base section 196.

Application, Page 14, lines 10-12 (emphasis added). As described above, the configurations of Figures 5-10 have a relatively *smaller footprint* than the configurations of Figures 1-4. Accordingly, the claim recitation of “footprints” is believed to be fully supported by the specification.

In view of the foregoing remarks, Applicants respectfully requests withdrawal of the rejections under Section 112, First Paragraph.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-7, 11-17, 20-24, 27-33, 35-47, 49-56, 58, and 59 under 35 U.S.C. §102(b) as anticipated by Helot et al. (U.S. 6,430,038).

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Independent Claim 1:

As discussed below, the claimed technique *does* have patentably distinct elements not found in the reference cited by the Examiner. For example, independent claim 1 recites, *inter alia*, a component housing having first, second, and third sections rotatably coupled together, “wherein the first, second, and third sections are rotatable between a plurality of configurations having *different footprints* and at least two of the first, second, and third sections are adapted to *house components*.” (Emphasis added). In contrast, the cited reference discloses a computer having *only one housing section and only one invariable footprint*. See Helot et al., Figs. 1, 8, 10, 11. Specifically, Helot et al. discloses a computer 20 having a computer base 22, a display 28, and an articulated mechanism 36, which includes a first arm member 42 and a second arm member 52. See Helot et al., Fig. 1; col. 2, lines 27-38. Regarding the “*different footprints*” recited by claim 1, Applicants emphasize that the only portion of the computer 20 having a footprint is the computer base 22. *Only one footprint is possible* with the computer base 22. Regarding the “*at least two sections adapted to house components*” recited by claim 1, Applicants further emphasize that the only portion of the computer 20 adapted to house components is the computer base 22. Accordingly, the Helot et al. reference fails to teach each

and every feature of independent claim 1. Moreover, the remaining references of record also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 1 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Independent Claim 20:

Independent claim 20 recites, *inter alia*, “a *multi-sectional housing* comprising at least one housing section rotatable to an upright orientation to provide a *reduced footprint* of the *multi-sectional housing*.” (Emphasis added). As emphasized above, claim 20 has at least two additional features not found in the Helot et al. reference. The cited reference does not teach a *multi-sectional housing* or a housing section rotatable to an upright orientation to provide a *reduced footprint*, as recited in claim 20. Instead, the cited reference teaches a *one-piece housing* having a *single invariable footprint*. *See* Helot et al., Figs. 1, 8, 10, 11. As discussed above, Helot et al. discloses a computer 20 having a computer base 22, a display 28, and an articulated mechanism 36, which includes a first arm member 42 and a second arm member 52. *See* Helot et al., Fig. 1; col. 2, lines 27-38. The only portion of the computer 20 having a footprint is the computer base 22, which does not have any housing section rotatable to an upright orientation, as recited by claim 20. *See id.* Accordingly, a *reduced footprint is not possible* with the computer 20 disclosed by Helot et al. Applicants further emphasize that the first and second arm members 42 and 52 are *not housing sections and cannot provide a reduced footprint*. Accordingly, the cited reference fails to disclose each and every feature recited in the instant claim. Moreover, the remaining references of record also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 20 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Independent Claim 32:

Independent claim 32 recites, *inter alia*, “a body having at least four rotatably coupled sections comprising *at least two component housing sections* ... wherein the at least four rotatably coupled sections are rotatable between configurations having *at least two different footprints*.” (Emphasis added). As emphasized above, claim 32 has at least two additional features not found in the Helot et al. reference. The cited reference does not teach “at least two component housing sections” or “at least two different footprints,” as recited in claim 32. Instead, the cited reference teaches a *one-piece housing* having a *single invariable footprint*. See Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. The only portion of the computer 20 having a footprint is the computer base 22, which is incapable of providing any variation in size or shape of its single footprint. *See id.* Applicants further emphasize that the first and second arm members 42 and 52 are *not component housing sections and cannot provide a different footprint* for the computer base 22. Accordingly, the cited reference fails to disclose each and every feature recited in the instant claim. Moreover, the remaining references of record also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 32 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Independent Claim 43:

Independent claim 43 recites, *inter alia*, a method comprising “rotatably coupling a plurality of panels *configured for computing components*” and “*supporting a plurality of footprints* in different geometrical orientations of the plurality of panels, the display panel, and the intermediate member.” (Emphasis added). As emphasized above, claim 43 has at least two additional features not found in the Helot et al. reference. The cited reference does not teach “a plurality of panels *configured for computing components*” or “*a plurality of footprints*,” as recited in claim 43. Instead, the cited reference teaches a *one-piece housing* having a *single invariable footprint*. See Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. The only portion of

the computer 20 having a footprint is the computer base 22, which is incapable of providing any variation in size or shape of its *single footprint*. *See id.* Applicants further emphasize that the first and second arm members 42 and 52 are *not configured for computing components and cannot provide a different footprint* for the computer base 22. Accordingly, the cited reference fails to disclose each and every feature recited in the instant claim. Moreover, the remaining references of record also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 43 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Independent Claim 51:

Independent claim 51 recites, *inter alia*, a method comprising “geometrically orienting at least four sections of a multi-configurable computing device to a configuration having a desired one of a *plurality of different footprints*.” (Emphasis added). As emphasized above, the cited reference does not teach a plurality of different footprints, as recited in claim 51. Instead, the cited reference teaches a *one-piece housing* having a *single footprint*. *See* Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. Accordingly, the cited reference fails to disclose each and every feature recited in the instant claim. Moreover, the remaining references of record also fail to teach or suggest the foregoing features.

In view of these missing elements, independent claim 51 and its respective dependent claims are believed to be patentable over the cited reference. Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 102 and allow the foregoing claims.

Rejections Under 35 U.S.C. § 103

The Examiner rejected dependent claims 8-10, 18, 25, 26, and 57 under 35 § U.S.C. §103(a) as unpatentable over Helot et al. in view of Karidis (U.S. Patent No. 6,006,243). The Examiner also rejected dependent claims that 19 and 48 under 35 § U.S.C. §103(a) as

unpatentable over Helot et al. in view of Stern (U.S. Patent No. 5,260,884). Applicants respectfully traverse the Examiner's rejections.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988). One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Applicants respectfully traverse the foregoing rejections for a number of reasons. First, all of the claims subject to this rejection under 35 U.S.C. § 103 are dependent on one of independent claims 1, 20, and 51, which are believed to be patentable over the Helot reference for the reasons set forth above. Second, neither Karidis nor Stern obviates the deficiencies of Helot et al. For example, none of the cited references teach or suggest a plurality of *different footprints*, as recited by the present independent claims. Third, the Examiner has not provided *objective evidence* of the requisite suggestion or motivation to modify or combine the references.

Dependent Claims 8-10, 18, 25, 26, and 57:

As noted above, the foregoing claims all depend directly or indirectly from one of independent claims 1, 20, and 51. Regarding the independent claims, the Karidis reference does not obviate any of the deficiencies of the primary reference, i.e., Helot, as discussed in detail above. Each of the foregoing independent claims recite a *plurality of different footprints*. As discussed above, the Helot reference teaches a *one-piece housing* having a *single invariable footprint*. *See* Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. The Karidis reference also fails to disclose a plurality of footprints. Instead, Karidis teaches a notebook computer 10 having a base section 16, a middle section 18, and a display section 20, wherein the notebook computer 10 is only capable of a *single footprint* corresponding to the bottom of the base section 16. *See* Karidis, Fig. 1; col. 3, lines 23-49. Moreover, the middle section 18 does not and cannot function to alter the footprint in any way. Accordingly, independent claims 1, 20, and 51 and their respective dependent claims are believed to be patentable over the cited references taken alone or in combination.

In addition, the Examiner has not shown the requisite motivation or suggestion to modify or combine the Helot and Karidis references to reach the presently claimed technique. The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). In the present rejection, the Examiner combined the Helot and Karidis references based on the *conclusory and subjective statement* that it would have been obvious “to modify said computer of Helot by providing it with removable wireless input devices as taught by Karidis in order to provide additional user functionality and flexibility.” Paper 9, page 7. Accordingly, Applicants challenge the Examiner to produce *objective evidence* of the requisite motivation or suggestion to combine the cited references.

Even if objective evidence is identified to support the Examiner’s reason to combine the references, the Applicants submit that one of ordinary skill in the art would not be motivated to combine the Helot and Karidis references. There is no basis for concluding that an invention

would have been obvious solely because it is a combination of elements that were known in the art at the time of the invention. *Smiths Industries Medical Systems, Inc. v. Vital Signs, Inc.*, 183 F.3d 1347, 1356, 51 U.S.P.Q.2d. 1415, 1420-21 (Fed. Cir. 1999). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Moreover, a statement that the proposed modification would have been “well within the ordinary skill of the art” based on individual knowledge of the claimed elements cannot be relied upon to establish a *prima facie* case of obviousness without some *objective reason to combine* the teachings of the references. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993); *In re Kotzab*, 217 F.3d 1365, 1371, 55 U.S.P.Q.2d. 1313, 1318 (Fed. Cir. 2000); *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 U.S.P.Q.2d. 1161 (Fed. Cir. 1999).

In view of the foregoing, independent claims 1, 20, 32, 43, and 51 and their respective dependent claims are believed to be patentable over the Helot and Karidis references taken alone or in combination. Accordingly, Applicants respectfully request the Examiner withdraw the rejection of claims 8-10, 18, 25, 26, and 57 under 35 U.S.C. § 103.

Dependent Claims 19 and 48:

As noted above, the foregoing claims all depend directly or indirectly from one of independent claims 1 and 43. Regarding the independent claims, the Stern reference does not obviate any of the deficiencies of the primary reference, i.e., Helot, as discussed in detail above. Each of the foregoing independent claims recites a plurality of rotatably coupled sections and a *plurality of different footprints*. For example, independent claim 1 recites, *inter alia*, a component housing having first, second, and third sections rotatably coupled together, “wherein the first, second, and third sections are rotatable between a plurality of configurations having *different footprints* and at least two of the first, second, and third sections are adapted to *house components*.” (Emphasis added). Independent claim 43 recites a method comprising “rotatably coupling a *plurality of panels* configured for computing components; rotatably coupling a *display*

panel support structure to one of the plurality of panels via an *intermediate member*; and *supporting a plurality of footprints* in different geometrical orientations of the plurality of panels, the display panel, and the intermediate member.” As discussed above, the Helot reference teaches a *one-piece housing* having a *single invariable footprint*. See Helot et al., Figs. 1, 8, 10, 11; col. 2, lines 27-38. In contrast to Helot et al., Stern teaches a computer disposed integrally within a conventional *briefcase*. See Stern, Abstract. In view of the foregoing claim recitations, the Applicants respectfully stress that the cited references, taken alone or in combination, do not teach or suggest the instant claims.

In addition, the Examiner has not shown the requisite motivation or suggestion to modify or combine the Helot and Stern references to reach the presently claimed technique. The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). In the present rejection, the Examiner combined the Helot and Stern references based on the *conclusory and subjective statement* that it would have been obvious “to provide the component housing of Helot with the integrally formed handle as taught by Stern, in order to facilitate carrying of the device.” Paper 9, page 8. Accordingly, Applicants challenge the Examiner to produce *objective evidence* of the requisite motivation or suggestion to combine the cited references. Even if objective evidence is identified to support the Examiner’s reason to combine the references, the Applicants submit that one of ordinary skill in the art would not be motivated to combine the Helot and Stern references. There is no basis for concluding that an invention would have been obvious solely because it is a combination of elements that were known in the art at the time of the invention. *Smiths Industries Medical Systems, Inc. v. Vital Signs, Inc.*, 183 F.3d 1347, 1356, 51 U.S.P.Q.2d. 1415, 1420-21 (Fed. Cir. 1999). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990).

Applicants also stress that the Helot et al. and Stern references clearly *teach away* from one another. It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 U.S.P.Q. 769, 779 (Fed. Cir. 1983); M.P.E.P. § 2145. The Applicants further emphasize that if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (CCPA 1959); *see* M.P.E.P. § 2143.01. Turning to the cited references, Helot et al. specifically teach a computer comprising a computer base 22 having a *single invariable footprint*, a display 28, and an articulated mechanism 36 having first and second arms 42 and 52 to adjust the position of the display 28. *See* Helot et al., col. 2, lines 27-65. In contrast, Stern explicitly *teaches away* from a computer separate from a briefcase, opting instead to integrate a computer into the confines of a *conventional briefcase*. *See* Stern, Abstract; col. 2, lines 45-50. A conventional briefcase *only* has *two panels*, e.g., bottom and top panels, which are hingedly coupled together along a *single rotational axis*. As disclosed by Stern, *only the top panel and the single rotational axis* provides positional adjustment for the computer screen 16, whereas Helot et al. clearly emphasize positional adjustment of the display 28 with *both first and second arms 42 and 52* using *three rotational axes*. Accordingly, it would be improper to combine the cited references, because doing so would change the principle of operation of each respective reference.

In view of the foregoing remarks, independent claims 1 and 43 and their respective dependent claims are believed to be patentable over the Helot and Stern references taken alone or in combination. Accordingly, Applicants respectfully request the Examiner withdraw the rejection of claims 19 and 48 under 35 U.S.C. § 103.

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

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Respectfully submitted,


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